

Remarks

This application has been carefully reviewed in light of the Office Action dated May 28, 2008. Claims 23 to 31 remain in the application, with claims 1 to 22 and 32 to 37 having previously been withdrawn. Claims 23 and 29 are the independent claims currently under consideration. Reconsideration and further examination are respectfully requested.

Claims 23 to 31 were rejected under 35 U.S.C. § 102(b) over U.S. Patent Application Publication No. 2004/0024638 (“Restis”). Restis bears a publication date of February 5, 2004, while the present application enjoys a 35 U.S.C. § 371(c) date of February 6, 2004. Accordingly, the citation of Restis is insufficient to establish that “the invention was patented or described in a printed publication ... **more than one year prior** to the date of the application for patent in the United States.” *See* 35 U.S.C. § 102(b) (emphasis added). Reconsideration and withdrawal of this rejection is therefore respectfully requested.

In view of the foregoing remarks, all of the claims under consideration are believed to be in condition for allowance and such action is respectfully requested at the Examiner’s earliest convenience.

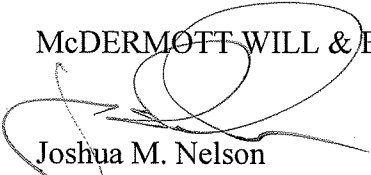
To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Application No.: 10/774,061

Applicants' undersigned attorney may be reached in our Orange County office by telephone at (949) 851-0633. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Joshua M. Nelson
Registration No. 55,487

18191 Von Karman Ave., Suite 500
Irvine, CA 92612-7108
Phone: 949.851.0633 JMN:lmt
Facsimile: 949.851.9348
Date: November 26, 2008
ORC 451523-1.077615.0013

**Please recognize our Customer No. 31824
as our correspondence address.**